TOM GRANT VS STATE OF WASHINGTON

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

TOM GRANT,)

)

Petitioner,) NO. 94-2-01234-5 SEA

)

v.) VERBATIM REPORT OF PROCEEDINGS

) (MOTION TO COMPEL)

CITY OF SEATTLE,)

SEATTLE POLICE DEPARTMENT,)

)

Respondents.)

_____)

BE IT REMEMBERED that on the 6th day of December, 2025, the above-entitled matter came on for hearing before the HONORABLE JUDGE HARRISON, Judge of the Superior Court of Washington for King County.

APPEARANCES:

MR. TOM GRANT

Petitioner, Pro Se.

MS. SARAH STONE

Assistant City Attorney

Appearing on behalf of the Respondents.

(Proceedings commenced at 9:00 a.m.)

THE COURT: Good morning. We are on the record in the matter of Grant versus The City of Seattle, Case Number 94-2-01234-5. This is a hearing on the Petitioner's Motion to Compel the Reopening of Death Investigation Case Number 94-1706.

Mr. Grant, you are appearing pro se?

MR. GRANT: Yes, Your Honor.

THE COURT: And Ms. Stone for the City?

MS. STONE: Yes, Your Honor. The City is present and ready.

THE COURT: Very well. Mr. Grant, the Court has reviewed your petition and the accompanying exhibits. You are asking this Court to issue a writ of mandamus compelling the Seattle Police Department to reclassify a death ruled a suicide in 1994 as a homicide and to reopen the investigation.

This is an extraordinary remedy. The standard, as you know, requires you to demonstrate that the original investigation was so fundamentally flawed or that new, material evidence has been discovered that would render the original finding scientifically impossible. It is not enough to present theories or alternative interpretations. You must present evidence.

You may proceed with your opening argument.

MR. GRANT: Thank you, Your Honor.

For nearly thirty years, the official narrative regarding the death of Kurt Cobain has relied on a rush to judgment, procedural incompetence, and a fundamental misunderstanding of

forensic science. The City of Seattle would have this Court believe that this case is closed. However, a closed case based on a factual impossibility is a miscarriage of justice that continues to this day.

We are not here to discuss conspiracy theories. We are here to discuss physics, toxicology, and document examination. The evidence I will present today demonstrates three key points: First, that the deceased had a lethal concentration of heroin in his blood that would have rendered him physically incapable of operating a firearm. Second, that the alleged suicide note contains distinct handwriting anomalies indicating a second author. And third, that the physical state of the weapon—specifically the absence of fingerprints—is inconsistent with the official ruling of suicide.

Based on these facts, the suicide ruling is not just unlikely; it is forensically impossible.

THE COURT: Thank you, Mr. Grant. Ms. Stone?

MS. STONE: Your Honor, the City maintains that this matter was thoroughly investigated in 1994. The Medical Examiner’s Office, in conjunction with the Seattle Police Department, utilized the forensic standards of the time—standards which remain valid today—to reach a conclusion of suicide.

The Petitioner’s argument rests entirely on speculation and re-interpretation of settled facts. He offers no new physical evidence, no new witnesses, and no recantations from original investigators. Under the controlling precedent of Herrera v. Collins, interpretive disagreements do not constitute "new evidence." We ask that the motion be denied.

THE COURT: Let us address the arguments specifically. Mr. Grant, start with your strongest point. You mentioned toxicology.

MR. GRANT: Yes, Your Honor. The toxicology report established a blood morphine level of 1.52 milligrams per liter. In addition, there was a significant presence of Valium.

Medical literature establishes that a heroin dose of this magnitude induces immediate incapacitation. We are talking about a level three times the lethal dose for a standard individual. The official narrative requires us to believe that the subject injected a massive overdose, removed the needle, placed his "works" kit neatly back in the cigar box, rolled down his sleeves, picked up a heavy Remington Model 11 20-gauge shotgun, and manipulated the trigger.

This sequence of events is physiologically incompatible with the central nervous system depression caused by that level of opiates.

THE COURT: Ms. Stone, response?

MS. STONE: Your Honor, the Petitioner is misapplying general toxicology data to a specific, chronic user. "Lethal dose" is a relative term in forensic pathology, particularly regarding opioids.

The subject was a known, severe heroin addict with a massive tolerance. There is no scientific consensus on a "cap" for heroin function in high-tolerance users. As noted in DiMaio’s Forensic Pathology, addicts can function with blood levels that would kill an opioid-naive person instantly.

Furthermore, unless Mr. Grant can produce an affidavit from a board-certified toxicologist stating that this specific individual, at that specific time, was unequivocally comatose, his argument is merely a hypothesis. He is asking the Court to practice medicine without a license.

MR. GRANT: Your Honor, if I may? Tolerance has limits. There is no superhuman physiology that allows a man to override 1.52 milligrams of morphine combined with benzodiazepines.

THE COURT: Mr. Grant, do you have that affidavit? Do you have a sworn statement from a toxicologist that contradicts the Medical Examiner's 1994 findings?

MR. GRANT: I have citations from standard medical texts—

THE COURT: Citations are not evidence, Mr. Grant. They are literature. The Medical Examiner made a determination based on the body before him. Without an expert witness currently willing to testify that the ME committed malpractice or gross error, the toxicology argument stands on shaky ground. Let's move to the weapon.

MR. GRANT: The Remington Model 11. It was found inverted, barrel pointing up, the deceased's hand grasping the barrel. But the critical issue is the fingerprints. Or rather, the lack of them.

The Seattle Police Department's own reports indicate that the shotgun was lifted for prints. Four latent prints were lifted, but none had legible ridge detail. Effectively, the gun was clean.

Your Honor, logic dictates that a man who handles a shotgun—loading it, maneuvering it, and firing it—must leave oils, sweat, or residue. The absence of prints suggests the weapon was wiped down. A suicide victim does not wipe the gun after pulling the trigger.

MS. STONE: Objection. Calls for speculation.

THE COURT: I'll allow the argument for the sake of the hearing, but proceed with caution, Mr. Grant.

MS. STONE: If I may respond to the fingerprint issue, Your Honor?

THE COURT: Go ahead.

MS. STONE: Thank you. The Petitioner’s assertion that "no prints equals wiped" is a fallacy rejected by courts across the country. I would direct the Court’s attention to People v. Cole, 2004, and standard forensic literature.

Firearms are notoriously poor surfaces for retaining latent prints. The checkering on the grip, the Parkerized or blued steel finish, and the recoil of the weapon all contribute to the destruction of ridge detail. Furthermore, if the subject’s hands were dry, or if there was blood or tissue contamination, prints would not be recoverable.

The absence of evidence is not affirmative evidence of tampering. To prove the gun was wiped, the Petitioner would need to show cloth fibers caught in the metalwork, or chemical residue consistent with cleaning agents found on the surface over the blood spatter. He has shown neither.

MR. GRANT: But the position of the shell casing, Your Honor! The ejection port on a Model 11 is on the right. The casing was found to the left. This indicates the gun was manipulated or moved after discharge.

THE COURT: Or it indicates it bounced, Mr. Grant. Shell casings are erratic. Unless you have a ballistics reconstruction expert—again, a sworn expert—testifying that the final resting position of the brass is impossible, we are back to speculation.

Let’s discuss the note. This seems to be the linchpin of your theory regarding the "retirement" explanation.

MR. GRANT: It is, Your Honor. The note found at the scene has been mischaracterized for decades as a suicide note.

I have analyzed the document extensively. The body of the text—the vast majority of the page—is written to the subject's fans. It discusses his loss of passion for music, his feeling of being a "faker," and his desire to quit the industry. It reads clearly as a retirement letter.

It is only the final four lines—the lines that explicitly mention "it's better to burn out than to fade away" and reference his wife and daughter—that suggest self-harm.

Visually, the handwriting in these final lines changes. The letter size is larger. The pressure is heavier. The slant is different. It is my contention that these lines were added by a second party to convert a retirement letter into a suicide note.

THE COURT: Was the note examined in 1994?

MS. STONE: It was, Your Honor. By the Washington State Patrol Questioned Documents Unit. Their expert concluded that the handwriting was consistent with the deceased throughout the entire document.

MR. GRANT: That examination was cursory! They did not perform ink dating. They did not account for the "harrowing" effect—the stress showing in the writing.

THE COURT: Mr. Grant, we return to the legal standard of Herrera. You are offering a re-interpretation. You look at the note and see two authors. The State's expert looked at the note and saw one.

To reopen a case based on forgery, you need affirmative proof of forgery. Do you have a spectrographic analysis of the ink showing that the last four lines were written with a different pen?

MR. GRANT: The original note was not made available to me for such testing.

THE COURT: But you are asking me to compel the reopening based on the assumption that such testing would prove your theory. That is a fishing expedition. The Court cannot order a new investigation solely to generate the evidence you hope to find. You must possess the evidence now to justify the order.

MR. GRANT: I possess the evidence of the discrepancies in the police reports!

THE COURT: Let's turn to that. Section IV of your brief. Procedural errors.

MR. GRANT: It is more than errors, Your Honor. It is a pattern of obfuscation.

The police report states the French doors were locked from the inside. Later testimony suggests they were merely closed. The report claims the security system was active, yet there are conflicts about when the motion sensors were triggered. They failed to develop a roll of film from the scene until weeks later.

Why such sloppiness? Why such haste to rule it a suicide? I submit that the investigation was driven by a predetermined conclusion. They saw a rock star with a drug kit and a gun, and they stopped looking.

MS. STONE: Your Honor, police work is rarely perfect. There are typos in every homicide file in this city. There are conflicting witness statements in every investigation.

The Supreme Court addressed this in District Attorney's Office v. Osborne. To reopen a case based on procedural bias, the Petitioner must show actual corruption. He must show a memo ordering officers to falsify evidence. He must show a bribe.

Mistaking a locked door for a jammed door, or a clerical error regarding a timestamp, does not constitute a conspiracy. It constitutes bureaucratic imperfection. None of the errors Mr.

Grant cites change the fundamental physical facts: the gunshot wound was contact, self-inflicted, and the room was secured.

MR. GRANT: The credit card, Your Honor! I haven't touched on the credit card.

THE COURT: Briefly, Mr. Grant.

MR. GRANT: The deceased's credit card was used twice after the estimated time of death. Someone was attempting to access his funds while his body lay in the greenhouse. This indicates activity by a third party who knew he was dead or was involved in his death.

MS. STONE: Or it indicates a stolen wallet, Your Honor. Or a delayed transaction posting. Or a third party committing fraud.

Even if we accept that someone used the card, that is evidence of theft or fraud. It is not evidence of murder. Merrill v. State teaches us that we cannot conflate collateral crimes with the cause of death. Proving someone stole from the deceased does not prove they killed him.

MR. GRANT: It provides motive! And speaking of motive, we must discuss the marital situation.

MS. STONE: Objection. Relevance.

THE COURT: Sustained. Mr. Grant, I have read your brief regarding the domestic situation. I am well aware of your theories regarding divorce and financial settlements.

However, motive is not a cause of death. A person can be surrounded by a thousand people who wish them dead, and they can still commit suicide. Without physical evidence placing a specific suspect in that room, holding that gun, the "motive" argument is legally inadmissible for the purpose of changing the Medical Examiner's ruling.

MR. GRANT: Your Honor, you are systematically stripping away the context. You cannot look at these clues in isolation. You must look at the totality of the circumstances. The missing prints, the lethal toxicity, the forged note, the credit card fraud—it all points to one conclusion.

THE COURT: Mr. Grant, the law requires me to look at evidence in isolation first, to determine its admissibility and weight.

(The Court pauses and reviews the file.)

I am ready to rule.

The Petitioner, Mr. Grant, has presented a passionate and detailed narrative. He has dedicated decades to this inquiry, and his conviction is evident. However, a court of law functions on a different frequency than the court of public opinion.

To grant a writ of mandamus compelling the Seattle Police Department to reopen this case, the burden of proof is high. The Petitioner must show that the original finding is invalid based on new, material, and substantive evidence.

Regarding the Suicide Note: The Petitioner offers a subjective interpretation of tone and handwriting style. He lacks forensic evidence of forgery, such as ink dating or electrostatic detection of indentations, that would contradict the State Patrol’s original authentication.

Regarding the Firearm: The Petitioner relies on the "common sense" assumption that a gun must have fingerprints. Legal precedent and forensic science establish that the absence of fingerprints is not proof of wiping or tampering.

Regarding Toxicology: The Petitioner relies on general medical literature regarding lethal doses. He has failed to provide expert testimony specific to the deceased's tolerance level that would render the Medical Examiner's finding of voluntary action a medical impossibility.

Regarding Procedural Errors and Motive: Alleged clerical errors and theories regarding third-party motives do not alter the physical evidence found at the scene.

The Court finds that the arguments presented are speculative. They constitute a theory of the case, but they do not constitute evidence. As such, they fail to meet the threshold required to overturn an official Medical Examiner's ruling or to compel a police agency to allocate resources to a closed investigation.

The Petition is DENIED. The case remains closed.

MS. STONE: Thank you, Your Honor.

MR. GRANT: (No response).

THE COURT: We are adjourned.

(Gavel strikes)

(Proceedings concluded at 10:15 a.m.)